

Torbay Council Five Year Housing Land Supply Consultation 2020: Summary of Responses.

The National Planning Policy Framework (NPPF) requires Local Planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against its housing requirement (paragraph 73). Whilst there is no legal requirement to consult on a five year supply statement, the online Planning Practice Guidance indicates that it is good practice to engage with developers, land promoters and other key stakeholders (68-015-20190722 and 68-016-20190722).

Torbay Council published its five year housing land supply position for consultation between 15th May and June 8th 2020. This was a targeted technical consultation made through email, Newsflash and the Council's website, directed at seeking the views of developers and other stakeholders about the Council's assumptions about the deliverability of sites, intentions to develop sites and related matters. It was not a consultation about growth levels or other matters that need to be addressed through the Local Plan Review.

The statement is based on the 2019/20 Monitor and represents the situation at 1 April 2020¹.

The consultation received 12 responses as follows:

- **The Neighbourhood Forums, Brixham Town Council, Community Partnerships/Members.** These argued that the Local Plan requirement is too high due to a shortfall in the provision of jobs and other matters; and that the Neighbourhood Plans' focus on brownfield sites should carry more weight. Sites at Collaton St Mary, Victoria Square and Preston Down Road in Paignton should be included in their entirety, as they are in receipt of government funding to deliver development. In addition, other sites such as Stoodley Knowle, Hollicombe and Bancourt Hotel (all Torquay) were argued to be deliverable. Including these would achieve 3+ years' supply. Many of the arguments about the level of housing need relate to matters that must be addressed through the Local Plan Review.
- **Four responses from Planning Agents promoting sites confirming their deliverability.**
- **Three responses on behalf of sites either at appeal or pending consideration, arguing that there is significantly less than 3 years' supply.** These principally challenged the deliverability of major sites set out in the schedule, particularly those with less than full planning permission. They also noted that the five year supply position is likely to deteriorate further when the 2020 Housing Delivery Test is published and the Standard methodology figure must be used to calculate the housing number (from December 2020).

¹ The monitoring was completed just prior to the Government's lockdown in response to the COVID-19 Pandemic. .

Upon careful consideration of the representations, the Assistant Director Planning, Housing and Climate Emergency, in consultation with the Cabinet Member for Infrastructure, Environment and Culture and the Cabinet Member for Economic Regeneration, Tourism and Housing, resolved that the draft schedule should be amended to include land at Preston Down Road and Stoodley Knowle. Along with other adjustments to the schedule these provide 3.0 years of deliverable housing land.

Table 1. Five Year Housing Land Supply Consultation 2020: Summary of Responses.

	Nature of organisation/ Site	Estimated Land Supply	Points Raised	Torbay Response
1	Brixham Town Council/Neighbourhood Plan Group	Not stated	The housing requirement is overstated- jobs have not come forward as anticipated in the Local Plan. COVID-19 pandemic will reduce job delivery below NOMIS figures.	This will need to be assessed through the Local Plan review. However, housing need also arises from older age groups and is not just dependent on the economic situation. The Local Plan housing requirement remains the basis for calculating five year supply until December 2020. After 2020 the 5 year housing supply will need to be calculated against the standard methodology. The results of the 2020 Housing Delivery Test and the 2018 based Household Projections may also affect the calculation.
			Housing supply position is suppressed. It should include: Victoria Square Preston Down Road Full complement at Collaton St Mary. These are subject to funding bids. Inclusion of these sites would provide more than 3 years' supply.	Victoria Square is included within the consultation version of the 5 year supply on the basis that there is an application for demolition of the vacant car park, the site is council owned, there is a development brief and is a brownfield regeneration site on the brownfield register. It is noted that there is no current planning application for development and that flooding issues need to be overcome: nevertheless evidence from TDA indicates a realistic prospect of completions within 5 years. Collaton St Mary is split across several sites. In total 224 units are included within the 5 year

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				<p>supply statement. The Masterplan for the area sets out up to 460 new homes. The Council was given funding to bring forward the site at Little Blagdon. The site is allocated in the Local Plan as part of the Future Growth Area. No site yet has full planning permission though good progress is being made. At Little Blagdon the current approval is only for the access, at the other sites, applications for outline consent have been submitted Housing will take some time to obtain approval across all sites. However, the TDA is progressing an application for the site. Completions are expected across all sites from 2023/24. This demonstrates that the funding the Council has received is accelerating the delivery compared to the other sites that are further progressed but will come forward at the same time.</p> <p>Preston Down Road is not allocated for development and does not have a planning application or consent. However it is shown as white land in the Paignton Neighbourhood Plan. The TDA are preparing environmental reports and seeking a growth partner on behalf of the Council.</p>
2	Brixham Community Partnership and Churston Galmpton and Broadsands Community Partnership.	More than 3 years	<p>Echo views of Neighbourhood Plan Group:</p> <ul style="list-style-type: none"> - The level of need is exaggerated - Future Growth Fund sites at Victoria Square, Preston Down Road and Collaton St Mary should be included in their entirety. This would achieve more than 3 years' supply. 	See response above.

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3	Torquay Neighbourhood Forum		The assessment of the 5 year land supply (5YLS) lacks precision and a reasonably professional assessment of deliverable sites. Further it lacks challenge where developers have suggested major development sites are not deliverable.	The 5 year supply assessment is based on officers seeking to apply the tests stipulated by the NPPF.
			The stagnant economy of Torbay is holding back housing growth not the availability of development sites. This situation is unlikely to change for some time based on current economic forecasts from Government	Noted.
			There is also evidence that dismissing high profile developable sites supports the suggestion that officers are using the 5YLS assessment to undermine Torbay's development plan with a view to allowing development on greenfield and countryside sites ahead of the substantial bank of allocated brownfield sites, a direct challenge to the NPPF, the strategic policies of the current Local Plan and the policies of all three adopted Torbay Neighbourhood Plans.	The evidence referred to has not been included in the consultation response. No applications are supported on unallocated sites. 5 year supply assessment is based on officers seeking to apply the tests stipulated by the NPPF.
			There has been a lack of job growth since 2005. This will be exacerbated by the COVID-19 Pandemic. There are a significant number of vacant homes.	Noted. However the five year supply calculation does not allow these to be taken into account. They are a matter to take into account as part of the Local Plan Review.
			There are more sustainable brownfield sites that could be developed- e.g. Hollicombe Gas Works, Stoodley Knowle Bancourt Hotel	Agreed that these are strong sites that the Council would support future delivery in principle. Hollicombe Gas Works has detailed permission, but the site owner/developer has stated that it has stalled for viability reasons. Updated proposals have been invited but no application

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				<p>received. Spatial Planning is continuing to pursue this site with the developer.</p> <p>Stoodley Knowle – accept and include. An application (P/2019/1330) was submitted prior to 31st March, but was not included in the draft schedule because it could have undermined the development management process. However, the site had a realistic prospect, at 31st March 2020, of being deliverable, which has been confirmed following approval at Committee in July.</p> <p>Bancourt Hotel appears to have complex ownership issues and Spatial Planning is seeking to contact the owners to discuss redevelopment options.</p>
			Land Release Fund sites at Little Blagdon, Collaton St Mary, and Preston Down Road should be included.	See above.
			Five year supply position is being used to undermine the democratically made Neighbourhood Plan.	The NPPF and legislation are clear that the development plan remains the starting point for decision taking regardless of the 5 year supply position.
4	Cllr J Mills		Sites at Collaton St Mary, Preston Down Road and Victoria Square should be included in the five year supply. Government funding has been secured to deliver homes on these sites.	See above
5	Cllr K Kennedy		Housing land supply issue comes only in part from the government. Local Plan fails to take into account Torbay's environmental constraints/capacity	The Local Plan acknowledges Torbay's environmental constraints numerous times. Housing need cannot be tempered by environmental constraints – although they may

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				be a reason why planning permission cannot be granted.
			Need for more housing in Torbay comes from inward migration as the death rate exceeds the birth rate.	Noted - this is a matter for the Local Plan Review
			During the census period 2001 to 2011 Torbay's resident population grew by only 1,400 (rounded) which equates to a housing need of just over 700 for the entire 10 years. Yet during the same period 5,000 houses were built in Torbay, a point which this local authority failed to include in the current Local Plan.	Noted - this is a matter for the Local Plan Review
			Torbay Council applied a 'policy on' approach to housing whereby the demographic need was artificially inflated as it was assumed a significant increase in the number of houses built would increase the number of jobs in the area. There has been no net growth in job numbers since 2012 yet the policy on approach continues. Torbay is now stuck with this artificially increased housing requirement until the next Local Plan is completed.	Noted - this is a matter for the Local Plan Review
			Five year supply considerations give developers an incentive to tactically delay bringing some sites forward in order to enhance likelihood of getting consents on other (greenfield) sites	Noted
			LRF sites should be included in the five year land supply	See above.
			Little Blagdon Farm was stated to deliver circa 350 houses yet we have only included 75 units in the 5 year land supply. This may be due to the site for which we have got planning permission only being a 'gateway' site to an area which is not allocated and has not had any application submitted.	See above. The access provides the 'gateway' to the site as a whole, phases 2 and 3 of the Masterplan. The 75 does not represent only one phase. The 5 year supply can only include completions and it is expected that the first of those will be in 2023/24. At typical build out rates (forming the basis for a realistic trajectory) this shows 75

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				units for this 5 year supply period. More are expected to be included in future statements. Little Blagdon is allocated because it is within a Future Growth Area (Policy SS2 and SDP3) of the Local Plan and subject to a Supplementary Planning Document planning brief.
			Neighbourhood plans become part of the development plan and are the STARTING point for decisions and have the same status as the local plan. This is something I continually fail to see in reports.	Noted, this concern will be passed on to the Development Management Service Manager.
6	Rainbow-Leaf Lovejoy		Endorse Torquay Neighbourhood Forum's comments. Housing requirement should be reduced to reflect the lack of employment prospects.	Noted – see above
			Developers favour greenfield sites, whereas the Neighbourhood Plans promote brownfield sites. Greenfield market housing will not be affordable to local people. More focus should be placed on brownfield regeneration.	Noted – see above
7	Paignton Neighbourhood Forum		Only a three year land supply is needed because of the Neighbourhood Plans.	Paragraph 73 of the NPPF requires LPAs to identify sites capable of providing five years' worth of housing. Neighbourhood Plans gain some additional protection under paragraph 14 of the NPPF if all criteria (a)-(d) are met.
			The Local Plan needs to be reviewed as soon as possible.	Noted
			The LPA should review housing on an annual basis and adjust figures down to reflect the lack of job creation.	This would not be practical- housing numbers are reviewed annually.
			Developments have been omitted that should have been included in the three year supply	See above
			It is important to include all developments that have a reasonable argument for inclusion. It would be wrong to exclude developments merely because they might be questioned or challenged. Any challenges can be	Noted- however there is supporting guidance on what can be considered to be deliverable.

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			addressed as and when they occur; often potential challenges will not arise. The term “realistic prospect” is sufficiently vague that a subjective decision must be made. The Council, Officers and Councillors, should ensure that all such subjective decisions are made in favour of Torbay meeting requirements. Any bias to the contrary benefits developers at the cost of Torbay’s communities.	
			Furthermore, sites should not be excluded merely because developers have delayed the work. Developers can obtain approval and then choose to delay or stall work for many reasons. If any unscrupulous developers know that we will not include sites that they have stalled, they could stall strategically to pressure the Council to approve inappropriate sites and development plans	Noted. However where there is evidence that sites have stalled for viability reasons, the NPPF indicates that sites cannot be counted as deliverable.
			The following sites should be included: Hollicombe Gas Works 185 units, approved brownfield site (P/2008/0114).	See above. Although the site has planning permission, there is evidence that the approved scheme is not viable.
			All Land release Fund sites should be included – the Council has undertaken to deliver these. -Little Blagdon Farm 350 dwellings - Preston Down Road 150 dwellings	See above
			Under completions represent developments that have planning permission that have not been built out and should be counted as deliverable sites in Box A.	Sites with full planning permission are included in the list of deliverable sites unless there is clear evidence that they will not be built out.
			Not clear that the appropriate windfall figure has been counted PNNF calculate that windfalls should be counted as: 2017/18: 445 2018/19: 431 2019/20: 554	These appear to be permissions, and counting them as windfalls would represent double counting. Windfall allowance must be realistic having regard to historic delivery rate and expected future trends (inter alia) as per NPPF paragraph

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				70. Including trend-rate permissions to inform windfalls would need to be significantly discounted.
			<p>Torbay should not accept the standard calculations for housing supply</p> <ul style="list-style-type: none"> - Geographically there is no 360 developable area - Working age population has not increased in the area - The number of jobs in Torbay has not risen since 2012. The South Devon Highway has not increased the number of jobs. - Impact of coronavirus will be to reduce the number of jobs. - House prices are substantially below the national, regional and local averages. The gap has widened since 1995. <p>The poor economic statistics show that there is no requirement for more housing, as the Local Plan and Neighbourhood Plans all link jobs to housing.</p>	Noted. These are matters that need to be considered through the Local Plan Review. However, if the Local Plan's housing requirement is considered to be wrong, the default position is the Standard Local Housing Need Methodology.
			The main need is for affordable housing, but this is often negotiated out due to viability issues.	Noted – but this relates to Policy H2 of the Local Plan and the NPPF rather than 5 year supply.
			The excess housing is also harming the social demographic of Torbay. The 2011 census showed that more than 4,000 more people commute away from Torbay (12,977) than commute toward it (8,591) for employment. A thriving community cannot afford to provide housing for people without a stake in the community, especially when it cannot provide housing for the people in the community.	Noted. This is a matter for the Local Plan review. But many areas have job densities of less than 1 and significant commuting to major urban areas.
			There is a significant stock of unsold housing on the market.	

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			Torbay leads the area in the number of unoccupied and long-term unoccupied homes. Last July, Torbay has 1,303 dwellings that were unoccupied for more than six months, according to Devon Live (31 July 2019). This number was almost double that for Plymouth, the second-worst area in Devon for unoccupied housing. They calculated that in Torbay 19.7 of every 1,000 homes were unoccupied – almost 2%.	Noted. It is an issue to consider at the Local Plan Review
			The primary need is for social and affordable housing. The indices of Deprivation 2019 show a decline in affordability.	Noted – but this can be taken as an argument to increase housing numbers.
			The 3 year supply only needs to show that supply will adequately meet the needs of the area. It should completely count the housing that is planned and deliverable – whether or not it will actually be delivered.	Noted that “deliverability” does not mean that it is certain that dwellings will be completed- however the NPPF and PPG provide a tough test for what can be delivered.
8	Vistry Homes (Linden Homes)		Five year supply position is challenging -Impact of COVID-19 -Standard methodology will apply post December 2020 -When published the 2020 Housing Delivery Test will impose a 20% buffer. On this basis, we consider that there is an urgent need for the Council to release more sites and allocate additional land for housing through the forthcoming Local Plan Review.	Noted. Some of the matters raised will need to be addressed through the Local Plan Review/Update.
			Vistry remain committed to developing in Torbay. The levels of completions at White Rock align with the assumptions set out in the Council’s Housing Monitoring Tables.	Noted
			Land is proposed at Lower Yalberton Farm (This land has previously been considered in the Council’s SHELAA in 2013 (Site Reference: - T768 & T771)	The site will need to be assessed through the HELAA/ Local Plan Review.

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9	Cavanna Homes (Boyer Planning on behalf of).	2.77 years.	Agree that 2.77 years is a fair estimate of current supply and there is an overwhelming requirement to provide new homes in Torbay.	Support noted.
			Agree with LPA's assessment based on a status quo ante in position in relation to COVID-19	Noted
			Agree with methodology in the draft 5YHLS paper	Noted
			Cavanna Homes is now progressing a hybrid planning application for the residential element of the Edginswell Future Growth Area. Work in connection with the application submission commenced in autumn/summer 2019 with discussions and meetings and other works to bring forward an application. This shows clear evidence of deliverability. Suggest a trajectory of 75 dwellings by 2025: <ul style="list-style-type: none"> • 2022/23 – 15 units • 2023/24 – 25 units • 2024/25 – 35 units. 	Noted. This is clear evidence of a realistic prospect of deliverability. Increase numbers to 75 as per trajectory suggested.
10	Bloor Homes (Boyer Planning on behalf of)	2.77 years	Agree with methodology in the draft 5YHLS paper and overall position. Agree with LPA's assessment based on a status quo ante in position in relation to COVID-19. Agree that 2.77 years supply is a fair estimate of current supply. This means that there is an overwhelming requirement to provide new homes.	Noted
			Bloor Homes is actively promoting land at Collaton Mary. If approved at June 2020 Committee, then Bloor Homes confirm deliverability as follows: 2022/23 – 15 units 2023/24 – 30 units 2024/25 – 35 units. i.e. slight increase on the agreed position.	Noted. Increase trajectory accordingly. Note that application P/2019/0281 was deferred at June Planning Committee. It is also subject to a call in request. Its status will need to be kept under review but is considered a reasonable prospect for delivery meeting the tests in the NPPF.

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11	Eden Land Planning (Torbay Holiday Motel site)		Confirm that the delivery rate on the former Motel site is reasonable, with completions in 2023-25. Application P/2019/0615 is current.	Noted – retain in 5YHLS
12	English Care Villages Pegasus Group	Between 1.47-1.57 Falling to 1.25-1.38 years post December 2020.	Impact of COVID-19 will significantly reduce housing completion due to diversion of resources into other matters, staff furloughing and the economic downturn. Housebuilding provides an economic stimulus which will support the necessary economic recovery following the pandemic. The weight afforded to supporting housing delivery at such a time should be even more significant than it would be in the normal course of events.	Noted. The LPA has received arguments that the COVID-19 Pandemic will either improve or worsen the 5 YHLS supply position. However, the pandemic is an external factor to Torbay and unrelated to the Torbay’s measures to supply deliverable sites. There is only so far a council can go to in allocating sites. (As per the St Modwen Court of Appeal decision). It is noted that the Government have already made clear their intentions to use housing to restart the economy. Weight given to housing decisions in order to support recovery from the impact of Covid-19 is a separate matter to the consideration of 5 year supply.
			Support current calculation of the housing requirement, 5% buffer and backlog.	Noted
			Standard methodology figure will apply from December 2020. This will reduce the 5 year supply position further. “Planning for the Future” indicates that the Standard Methodology will be reviewed with an intention of providing 300,000 dwellings a year nationally.	Noted- see above
			Sites with full planning permission: South of Yalberton Road – reduce by 5 dwellings (P/2019/0173) Torre Marine – should be excluded as permission (P/2019/0173 is only outline) Brixham Paint Station should be excluded due to its age.	Minor adjustments. South of Yalberton Road – the figure used for 5YS purposes is correct, agree a 5 unit reduction is needed on the total number of units on site (192 down to 187) but this doesn’t affect the 5YS calculations. Torre Marine has full permission as it was part of the implemented

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			<p>Former B and Q Tor Hill Road (P/2019/0131) should be reduced by one unit</p> <p>15 Esplanade Road – Certificate of Lawfulness (P/2019/1018) approved in April. Outside the monitoring period and is a certificate of lawfulness for an existing use.</p> <p>Queensway- suggested capacity remaining is 1-6 (not 11) based on P/2007/2095</p> <p>Broadway, Dartmouth Road P/2018/0332 is for 9 dwellings.</p> <p>These reduce the deliverable sites with full planning permission by between 117-122 units.</p>	<p>South Devon College campus redevelopment. The site is owned by Torbay Council/TDA and although a revised application is likely to be required, it is being actively promoted and has a realistic prospect of delivery within 5 years.</p> <p>Brixham Paint Station has recently been acquired by a local developer who have confirmed their intention to build out within the next 5 yrs.</p> <p>Former B&Q – agreed, reduce by 1 unit</p> <p>15 Esplanade Road as a certificate of lawfulness for an existing use was submitted in 19/20 monitoring year and it was expected to be approved just after the 19/20 monitoring year (therefore would be counted in the 20/21 monitoring year as completed) this is considered appropriate. The site has not already been counted as residential as the use was not ‘lawful’.</p> <p>Queensway – has a complicated history dating to the 1970s. Reduce by 5 units</p> <p>Broadway permission is for 10 dwellings RM is for 9 dwellings and a standalone permission for the additional dwelling.</p>
			<p>Category B sites (Major sites with less than full permission). No evidence of deliverability has been provided in the consultation.</p> <p>Specific sites should be excluded:</p> <p>Little Blagdon, Collaton St Mary. Does not have an application for housing. 4 years lead in time from outline permission should be applied. Therefore fore no realistic prospect of delivery in five years.</p>	<p>Noted – Clear evidence of deliverability will need to be published.</p> <p>Most sites are covered above.</p> <p>Taylor Wimpey (Collaton St Mary) P/2019/0604/MOA was refused on technical drainage grounds and is subject to a resubmission and appeal. It is an allocated site</p>

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			<p>Taylor Wimpey, Collaton St Mary. Application has been refused and is at appeal. Council position is that the appeal should be dismissed. This makes the site either unsuitable for development or will delay it beyond 5 years.</p> <p>Edginswell Gateway No application submitted. Five years should be allowed from outline to first completion on a site of this scale. No realistic prospect of completions within 5 year</p> <p>14-16 Midvale Road. Permission granted May 2020, therefore outside the monitoring period.</p> <p>Reduces supply by 557 dwellings</p>	<p>in the Future Growth Area. Given the technical reason for refusal it remains the case that there is a realistic prospect off delivery on the site.</p> <p>Edginswell gateway – is an allocated site with a PPA. Developer has confirmed that the timetable is reasonable (see above) and will be submitting a hybrid application so some parts will be in detail and not just outline.</p> <p>14-16 Midvale Road - It was known at April 2020 that the likely recommendation on application P/2020/0129 would be for approval and with the application having been submitted it is considered to meet the NPPF definition.</p>
			<p>Category C Minor sites with full planning permission. A non-completion factor of between 22%-28% should be applied. However, this may be compensated by considerations of windfalls in Box D.</p>	<p>There is no requirement in the NPPF/PPG to apply a non-completion factor. Torbay has discounted all sites with no activity in last 10 years which has a similar effect. Box D also ensures no more than the past average delivery rate across the 5 years.</p>
			<p>Windfall assumptions- there is a finite supply of windfall sites and a falling trend (69 dwellings at 2019/20) is noted. Also, the current lockdown will reduce supply of windfall completions.</p>	<p>There is likely to be an ongoing supply of small windfalls from holiday accommodation and potentially from surplus out of date offices.</p> <p>Whilst there has been a slight reduction in the proportion of housing coming from brownfield sites over the Plan period, around 60% of new housing over the last 3 years has been from brownfield sites. Since 2012 the average has been 66%. The largest source of small sites has consistently been conversions.</p>

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				The lockdown will affect delivery because demand is likely to fall (as well as the supply of materials). This is beyond the LPA's control.
			Because there is a 5 year supply shortfall, the presumption in favour of sustainable development should apply to development.	Noted
			The Housing Delivery Test for 2020 is likely to be 73% which will engage the Presumption automatically.	Noted – the LPA has calculated it as slightly higher.
			The Council should take positive action to approve planning applications as soon as possible in light of the five year supply shortfall.	Noted. But both paragraph 11c and 11d of the presumption indicate that other matters may be taken into account.
13	Taylor Wimpey (Stantec on behalf of)	1.49	Five year supply schedule should form part of a formal Annual Position Statement	Annual Position statements can only be used to show there is a five year supply- not where there is a shortfall. This has been confirmed by the Planning Inspectorate.
			Torre Marine (2016/1047) permission appears to have lapsed in march 2020.	See above.
			No clear evidence that the category B sites with less than full planning permission are deliverable.	See above
			Argued that the Local Plan Future Growth Areas cannot be considered to be site allocations and therefore FGA sites such as Torquay Gateway and Collaton St Mary cannot be considered to be deliverable. Sites that should be removed are: Devonshire Park Little Blagdon, Collaton St Mary Taylor Wimpey site, N. of Totnes road, Collaton St Mary Bloor Homes site, N. of Totnes road, Collaton St Mary Edginswell Gateway Dairy Crest Site, Parkfield Road	The Future Growth Areas (Local Plan Policy SS2 and "SD" polices are site allocations in that they propose broad areas for development to be informed further by neighbourhood plans and masterplan SPDs. The issue has been clarified by the High Court on R on the application of S Moss v Torbay Council Co/4177/2919/ See comments on individual sites above The Council will need to publish its evidence of deliverability.

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			Torquay Holiday Motel, Collaton St Mary St Kildas 14-16 Midvale road Victoria Car Park Northcliffe Hotel.	Remove Northcliff Hotel as the site has been long term vacant and the evidence put forward by the Town Council is unlikely to constitute clear evidence of deliverability.
			NPPF does not permit use of windfall sites other than when included in Brownfield Registers, or for Plan making purposes (NPPF 70)	Paragraph 70 of the NPPF indicates that windfalls can be counted as part of the “anticipated supply” where there is compelling evidence that they will provide a reliable source of supply. Torbay Council has applied an average rate of delivery so demonstrate the reliable source of supply.
			Windfalls should only be included at years 4-5 of the trajectory to avoid double counting.	There is no double counting of windfall sites. Box C includes all minor sites with planning permission. Box D factors in a “windfall” allowance based on trend rate for non-major completions minus box C.
			Supply at April 2020 is 1009 deliverable dwellings, equal to 1.49 years.	Noted but consider that this is too pessimistic – it seems to apply a test of Certainty rather than “realistic prospect”.
			The supply situation will deteriorate further in the future particularly when the standard methodology needs to be used after December 2020.	Noted- see above
			The Council needs to work with developers to boost housing supply.	Noted. This is set out in the Housing Delivery Action Plan.
			The Collaton St Mary triangle site does not have permission and cannot be treated as deliverable. However the site has been promoted for the last 8 years and refused despite an officer recommendation for approval If application P/2019/0604 is approved at appeal, or if the resubmitted application is approved; Taylor Wimpey would	Noted. The site is proposed as a Future Growth Area in the adopted Torbay Local Plan so is suitable for housing. Application P/2019/0604 was only refused on technical drainage grounds, and there is a realistic prospect that completions can commence within 5 years.

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			supply the needed evidence that it can be counted in the five year supply trajectory.	
14	Abacus/Deeley Freed (Alder King on behalf of)	2.05 years falling to 1.79 years with a 20% buffer	Agrees that the methodology and calculation of need is robust.	Noted
			The fall in completions in 2019/20 reduces the Housing Delivery Test figure to 76% this will result in a 20% buffer being necessary when the 2020 HDT is published.	Noted.
			Five year supply calculations should be based on robust evidence rather than planning judgement.	Noted. The assessment of the evidence available and to what extent there is or is not a realistic prospect of deliveries taking place does require a planning judgement.
			Evidence of deliverability provided (on sites with less than full permission) is woefully below the standard required by the NPPG. Appeal site at Braintree in Essex is quoted, where pro-formas were not accepted by the S of S as clear evidence of deliverability. Most of the Category B sites (without full planning permission) should be removed unless there is clear and compelling evidence of deliverability.	It is noted that the LPA will need to publish the "clear evidence" it has of sites with less than full planning permission. This is largely in the form of emails from developers.
			Former Police Station , Southfield Road- should be revised down to 36 dwellings in line with the RM application.	Noted- RM is for 36 dwellings. Reduce accordingly.
			Queensway six dwellings should be discounted	Noted- remove 6 dwellings from Queensway and count only those under construction.
			South Devon College (Torre Marine) Does not have full planning permission and therefore should be included in Category B. The outline consent P/2016/1047 will expire in 2020 and there is no clear evidence of deliverability.	See above for reasons why this site should be counted as deliverable.

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			It is noted that the site was removed from the 2019 supply schedule.	
			Brixham Paint Station No additional evidence of deliverability – should be removed	Site has detailed planning permission. See above for reasons why this site should be counted as deliverable.
			Collaton St Mary: No clear evidence of deliverability-previous legal advice that the evidence falls below the threshold for deliverability.	See above
			Collaton St Mary (Taylor Wimpey): Cannot be included as there is no agreement between the applicant and LPA about numbers, and has been refused planning permission (currently at appeal).	See above
			Collaton St Mary (Bloor Homes): May be included if approved at Planning Committee.	See above
			Collaton St Mary (Motel site) Consent has yet to be granted and no certainty of permission.	Confirmation from developer that it is a deliverable site.
			St Kildas- not clear evidence of deliverability provided	The site is council owned and an application is expected in 2020/21
			Victoria Centre- No planning application has been submitted, detailed technical constraints (flooding) need to be overcome. Previous legal advice indicates that the site did not meet the threshold required for inclusion.	See above.
			Dairycrest site. Only has outline consent. Many technical issues to overcome. No clear evidence of deliverability from the developer.	Confirmed at 2019 that the builder intended to complete within five years. The site is owned by a local builder with a track record of speedy delivery.
			Edginswell Gateway Insufficient evidence of deliverability (the included housing does not relate to application P/2019/0710)	See above

	Nature of organisation/ Site	Estimated Land Supply	Points Raised	Torbay Response
			Northcliff Hotel: Site has been long-term vacant, no evidence presented that it will come forward in the next 5 years.	See above